

AUSAs: Jessica Greenwood, Thane Rehn, and Vladislav Vainberg

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

TOMAS IANCHAUSKAS,

Defendant.

24 MAG 91

SEALED COMPLAINT

Violations of 18 U.S.C. § 1001(a)(2)

COUNTY OF OFFENSE:
NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

KENNETH WOLF, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation (“FBI”) and charges as follows:

COUNT ONE
(False Statements)

1. On or about January 12, 2022, in the Southern District of New York and elsewhere, TOMAS IANCHAUSKAS, the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations, to wit, during an interview with Special Agents from the Federal Bureau of Investigation, IANCHAUSKAS falsely stated, in sum and substance, that (1) he had no involvement in the Tsargrad Society whatsoever, (2) he had no involvement with the Double Headed Eagle Society (“DHES”) since approximately three years before the interview, and (3) never had a leadership position at DHES and never did anything on behalf of DHES, when in truth and in fact, and as IANCHAUSKAS knew (1) from at least in or about 2020 through in or about 2022 IANCHAUSKAS served as the head of the Penza Regional Branch of the Tsargrad Society, which, until in or about November 2020 was named the DHES, and (2) in his leadership capacity, IANCHAUSKAS planned DHES events in Russia and received funding from DHES in or about 2020, among other times.

(Title 18, United States Code, Section 1001(a)(2).)

COUNT TWO
(False Statements)

2. On or about December 22, 2023, in the Southern District of New York and elsewhere, TOMAS IANCHAUSKAS, the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations, to wit, during an interview with Special Agents from the Federal Bureau of Investigation, IANCHAUSKAS falsely stated that he has never been a member of Tsargrad Society, when in truth and in fact, and as IANCHAUSKAS knew (1) from at least in or about 2020 through in or about 2022 IANCHAUSKAS served as the

head of the Penza Regional Branch of the Tsargrad Society, which, until in or about November 2020 was named the DHES, and (2) subsequent to his prior interview with the FBI in 2022, IANCHAUSKAS continued his membership in the Tsargrad Society and provided services to the Tsargrad Society.

(Title 18, United States Code, Section 1001(a)(2).)

The bases for deponent's knowledge and for the foregoing charges are, in part, as follows:

3. I am a Special Agent with the FBI and have been so employed since September 2016. I was an Intelligence Analyst at the FBI from 2009 through 2016. Since 2014, in my capacity as an Intelligence Analyst and then a Special Agent, I have largely worked on Russian Counterintelligence matters since September 2014. Since in or about June 2019, I have been working on a counterintelligence squad focused on Russian malign influence. In my role as an Intelligence Analyst and Special Agent, I have experience in Russian counterintelligence and intelligence gathering, including experience and training in analyzing and gathering financial records, electronic data, and other types of evidence, and debriefing witnesses.

4. The information contained in this affidavit is based upon my personal knowledge, as well as information obtained during this investigation, directly or indirectly, from other sources and agents, my examination of documents and reports by others, my interviews of witnesses and of TOMAS IANCHAUSKAS, the defendant, my review of electronic devices obtained from IANCHAUSKAS pursuant to search warrants, and my training and experience. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated. Where dates, figures, and calculations are set forth herein, they are approximate.

OVERVIEW

5. TOMAS IANCHAUSKAS is a U.S. green card holder. By operation of the Ukraine-Related Executive Orders, as described below, IANCHAUSKAS is prohibited from, among other things, making any contribution or provision of funds, goods, or services to or for the benefit of sanctioned Russian oligarch, Konstantin Valeryevich Malofeyev ("Malofeyev"), or certain Malofeyev-controlled designated entities, including the Tsargrad Society, formerly known as the Double Headed Eagle Society or "DHES". In or about January 2022, IANCHAUSKAS falsely represented to agents of the FBI that he had no involvement in the Tsargrad Society whatsoever, and no involvement in DHES for the prior three years. In actuality, as described below, IANCHAUSKAS served in a leadership role in Tsargrad Society/DHES before and after the FBI Interview and received funding for events he coordinated. In or about December 2023, IANCHAUSKAS repeated certain of these false representations to agents of the FBI, stating that he has never been a member of the Tsargrad Society.

The International Emergency Economic Powers Act

6. The International Emergency Economic Powers Act (“IEEPA”), codified at Title 50, United States Code, Sections 1701-1708, confers upon the President of the United States authority to deal with unusual and extraordinary threats to the national security and foreign policy of the United States. Section 1705 provides, in part, that “[i]t shall be unlawful for a person to violate, attempt to violate, conspire to violate, or cause a violation of any license, order, regulation, or prohibition issued under this chapter.” 50 U.S.C. § 1705(a).

7. In 2014, pursuant to his authorities under the IEEPA, the President issued Executive Order 13660, which declared a national emergency with respect to the situation in Ukraine. To address this national emergency, the President blocked all property and interest in property that were then or thereafter came within the United States or that were then or thereafter came within the possession or control of any United States person, of individuals determined by the Secretary of the Treasury to meet one or more enumerated criteria. These criteria include, but are not limited to, individuals determined to be responsible for or complicit in, or who engage in, actions or policies that threaten the peace, security, stability, sovereignty, or territorial integrity of Ukraine; or who materially assist, sponsor, or provide financial, material, or technological support for, or goods or services to, individuals or entities engaging in such activities. Executive Order 13660 prohibits, among other things, the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked, and the receipt of any contribution or provision of funds, goods, or services from any such person.

8. The national emergency declared in Executive Order 13660 with respect to the situation in Ukraine has remained in continuous effect since 2014, and it was most recently continued on March 1, 2023.

9. On multiple occasions, the President has expanded the scope of the national emergency declared in Executive Order 13660, including through: (1) Executive Order 13661, issued on March 16, 2014, which addresses the actions and policies of the Russian Federation with respect to Ukraine, including the deployment of Russian Federation military forces in the Crimea region of Ukraine; (2) Executive Order 13662, issued on March 20, 2014, which addresses the actions and policies of the Government of the Russian Federation, including its purported annexation of Crimea and its use of force in Ukraine; and (3) Executive Order 14024, issued on April 15, 2021, which addressed additional harmful foreign activities of the Government of the Russian Federation. Executive Orders 13660, 13661, 13662, and 14024 are collectively referred to as the “Ukraine-Related Executive Orders.”

10. The Ukraine-Related Executive Orders authorize the Secretary of the Treasury to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President under the IEEPA, as may be necessary to carry out the purposes of those orders. The Ukraine-Related Executive Orders further authorize the Secretary of the Treasury to redelegate any of these functions to other offices and agencies of the United States Government.

11. To implement the Ukraine-Related Executive Orders, OFAC issued certain regulations, referred to as the Ukraine-Related Sanctions Regulations. These regulations incorporate by reference the prohibited transactions set forth in the Ukraine-Related Executive Orders. See 31 C.F.R. § 589.201. The regulations also provide that the names of persons designated directly by the Ukraine-Related Executive Orders, or by OFAC pursuant to the Ukraine-Related Executive Orders, whose property and interests in property are therefore blocked, are published in the Federal Register and incorporated into the Specially Designated Nationals (“SDNs”) and Blocked Persons List (the “SDN List”), which is published on OFAC’s website. See 31 C.F.R. § 589.201. n.1.

12. Under the Ukraine-Related Sanctions Regulations, a person whose property and interest in property is blocked pursuant to the Ukraine-Related Executive Orders is treated as having an interest in all property and interests in property of any entity in which the person owns, directly or indirectly, a 50 percent or greater interest. See 31 C.F.R. § 589.406. Accordingly, such an entity is deemed a person whose property and interests in property are blocked, regardless of whether the name of the entity is incorporated into OFAC’s SDN List. *Id.*

13. On or about December 19, 2014, OFAC designated Malofeyev as an SDN pursuant to Executive Order 13660. *See* 80 Fed. Reg. 6797 (Feb. 6, 2015).

14. On or about April 20, 2022, OFAC re-designated Malofeyev pursuant to Executive Order 14024, for having acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation. *See* U.S. Treasury Designates Facilitators of Russian Sanctions Evasion, available at <https://home.treasury.gov/news/press-releases/jy0731>. OFAC also designated a global network of more than 40 individuals and entities led by Malofeyev, including organizations whose primary mission is to facilitate sanctions evasion for Russian entities. *Id.*

15. As part of that measure, OFAC specifically designated the “All-Russian Public Organization Society for the Promotion of Russian Historical Development Tsargrad (Tsargrad Society)” for “being owned or controlled by, or for having acted or purported to act for or on behalf of Malofeyev. OFAC’s press release stated that the Tsargrad Society was formerly known as the Double-Headed Eagle Society, a Russia-registered organization which has been accused of involvement in espionage on behalf of Russia. *Id.*

16. OFAC’s press release further states that the Tsargrad Society is part of Malofeyev’s “malign influence ecosystem” and “advocates for Russia to return to a monarchical system of government and counts among its core principles revanchist aims like the ‘reunification of the Russian people’ and ‘returning the Russian Empire to its historical borders’—to include, in Tsargrad Society’s opinion, Ukraine, Belarus, the Baltic States, Moldova, Central Asia, and the Caucasus.” *Id.*

17. The FBI has been investigating Malofeyev’s links to the United States and the U.S. financial system, as well as any sanctions-violative activity by others in support of Malofeyev. This investigation led to Malofeyev being indicted on or about April 6, 2022, for one count of conspiracy to violate IEEPA and one count of violation of IEEPA, and the indictment was filed publicly and announced in a press conference and press release. *See* S1 21 Cr. 676 (LAK), Dkt. No. 6 (the “Malofeyev Indictment”).

Konstantin Malofeyev

18. According to OFAC, Malofeyev funded separatist activities in eastern Ukraine and was closely linked with Aleksandr Borodai, Igor Girkin (a.k.a. Igor Strelkov), and the so-called Donetsk People's Republic, all which have been previously sanctioned as SDNs. *See* U.S. DEP'T. TREASURY, Treasury Targets Additional Ukrainian Separatists and Russian Individuals and Entities (Dec. 19, 2014), available at <https://www.treasury.gov/press-center/press-releases/Pages/jl9729.aspx>.

19. Further according to OFAC, Malofeyev was one of the main sources of financing for Russians promoting separatism in Crimea, and was designated as an SDN because he was responsible for or complicit in, or has engaged in, actions or polices that threaten the peace, security, stability, sovereignty, or territorial integrity of Ukraine and has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of the so-called Donetsk People's Republic. *See id.*

20. As reported by publicly available media outlets, and as I have learned from my review of information provided on the website for the Tsargrad Group of Companies ("Tsargrad Group"), the Tsargrad Group is a holding company that was founded and is majority owned by Malofeyev. According to the Tsargrad Group website, Malofeyev is the Chairman of the Board of Directors of the Tsargrad Group.

21. The Tsargrad Group website identifies the DHES, which is also at times referred to as the Tsargrad Society, as one of the Tsargrad Group's projects. Tsargrad Society also has had its own website, which was publicly available as recently as July 2023. The Tsargrad Society website identified Malofeyev as the Chairman of the Board. I have reviewed the Tsargrad Society charter and have learned that the charter appears to give control over Tsargrad Society to Malofeyev exclusively, stating, in part and substance, that management of Tsargrad Society is carried out by the Chairman of the society, who has the right to act without power of attorney on behalf of the society.

TOMAS IANCHAUSKAS's Work for Malofeyev's Tsargrad Society/DHES

22. Based on my review of records on databases available to law enforcement, and my interviews of TOMAS IANCHAUSKAS, the defendant, I have learned that IANCHAUSKAS has been a lawful permanent resident of the United States at all times relevant to this Complaint, and thus subject to the restrictions set forth in the Ukraine-Related Executive Orders. Although IANCHAUSKAS has lawful permanent residency in the United States, IANCHAUSKAS principally resides in Russia. IANCHAUSKAS's father resides in Florida, and I have reviewed travel records indicating that IANCHAUSKAS regularly travels to the United States, typically coming to the United States at least once a year between the years 2014 and 2023.

23. On or about January 10, 2022, the Honorable Vera M. Scanlon, United States Magistrate Judge for the Eastern District of New York, issued a search warrant (the "January 10, 2022 Warrant") for a particular cellphone used by TOMAS IANCHAUSKAS, the defendant (the "2022 IANCHAUSKAS Phone"). On or about January 12, 2022, the FBI executed the 2022

Warrant and seized the 2022 IANCHAUSKAS Phone from TOMAS IANCHAUSKAS at John F. Kennedy Airport (“JFK”) in Queens.

24. On or about January 12, 2022, I and other FBI agents conducted an interview of TOMAS IANCHAUSKAS, the defendant, at JFK, prior to IANCHAUSKAS’S departure from the United States (“2022 FBI Interview”). The interview was conducted in English and Russian, and the Russian portions of the interview were interpreted by a law enforcement officer who is a native Russian speaker. During that interview, IANCHAUSKAS made several statements, including the following, in part and substance:

a. IANCHAUSKAS stated that DHES was a patriotic, historical, and political organization run by Konstantin Malofeyev, who was sanctioned by the United States government.

b. IANCHAUSKAS stated that he was a private member of DHES three years prior to the interview, *i.e.* in or about January 2019. IANCHAUSKAS further stated that he had no involvement with the organization since then.

c. IANCHAUSKAS stated that DHES had shut down approximately one year before the interview, and a new organization was created called Tsargrad, which I know based on my investigation and the facts described herein refers to the Tsargrad Society. IANCHAUSKAS further stated that he never had any involvement with Tsargrad, *i.e.* the Tsargrad Society.

d. Subsequent to IANCHAUSKAS’s denial of any involvement with the Tsargrad Society at any point, FBI agents showed IANCHAUSKAS a printout of a webpage from the Tsargrad Society’s website, which listed the leaders of regional branches of the organization. IANCHAUSKAS confirmed that he was the person listed as the leader of the Penza branch of the Tsargrad Society and that the listed email address was his old email address. IANCHAUSKAS stated, however, that the information on the webpage was incorrect. IANCHAUSKAS further stated he did not hold a leadership role with the Tsargrad Society.

25. Based on my review of the contents of the 2022 IANCHAUSKAS Phone, I have learned, among other things, the following:¹

a. Prior to the seizure of the 2022 IANCHAUSKAS Phone, TOMAS IANCHAUSKAS, the defendant, was regularly using that device to engage in communications with others about his involvement in DHES and the Tsargrad Society, including in and after 2020 and during time periods when IANCHAUSKAS denied having any involvement with DHES or Tsargrad Society.

b. Between in or about June 2020 and October 2020, IANCHAUSKAS communicated with a person who identified themselves as the new curator of the “Society” in his region (“DHES Curator”), and whose name IANCHAUSKAS saved in his phone with the notation “Double Headed Eagle”. In the course of those communications, among other things, IANCHAUSKAS proposed events to be held by the Penza branch of DHES led by

¹ The communications on the 2022 IANCHAUSKAS Phone described in this Complaint were primarily in Russian, and I have reviewed translations of these communications prepared by a Russian linguist employed by the FBI.

IANCHAUSKAS, made funding requests for those events, and confirmed the receipt of funding from the DHES Curator for some of the events.

c. In or about November 2020, IANCHAUSKAS received a letter of invitation on DHES letterhead that had been addressed to IANCHAUSKAS as “Head of Penza Regional Branch” and signed by Konstantin Malofeyev, as Chairman of DHES. The letter invited IANCHAUSKAS to the fourth meeting of DHES scheduled to take place on November 22, 2020 at the hotel Tsargrad in the Moscow oblast. IANCHAUSKAS sent the invitation to a person whose last name matched the name on the letter who was accepting RSVP responses. According to the Tsargrad Society website that I have reviewed, the organization formally changed its name from DHES to the Tsargrad Society at this event.

d. In or about April 2021, IANCHAUSKAS exchanged messages with an individual who appears to be a representative of Tsargrad Society (“TS Representative-1”) regarding TS Representative-1’s request that IANCHAUSKAS hand over control of a group to another individual described by TS Representative-1 as “an employee of the society’s directorate”. IANCHAUSKAS wrote, in part and substance, “I will not hand over the group” and “Konstantin Valeryevich did not tell me this personally”. Konstantin Valeryevich is the first name and patronymic of Konstantin Valeryevich Malofeyev, the sanctioned defendant in the Malofeyev Indictment. TS Representative-1 responded, “I think Konstantin Valeryevich should not bring such things to the regional offices. There is a Directorate for it.” IANCHAUSKAS reiterated “There was no such order from Malofeyev . . . I did not see Malofeyev’s order, you are asking to give the group to an unfamiliar person, whom I do not know and never saw in my life.”

e. In or about May 2021, IANCHAUSKAS continued to represent himself as a regional leader of the Tsargrad Society. For example, in a conversation with another representative of the Tsargrad Society (“TS Representative-2”), who identified himself as a head of a specific city’s “regional branch of the Tsargrad Society”, IANCHAUSKAS wrote, in part and substance, in Russian, “I am the founder and the manager of the double-headed eagle in Penza”, referring to the Tsargrad Society’s Penza branch. IANCHAUSKAS asked TS Representative-2, “Since when are you in Tsargrad?” and added, referring to himself, “I’m since 2018”. When TS Representative-2 asked IANCHAUSKAS, “So are you still part of the organization or you left,” IANCHAUSKAS responded, “I didn’t leave”.

f. Between in or about November 18, 2021 and in or about November 22, 2021, IANCHAUSKAS exchanged messages with an individual who appears to be a representative of Tsargrad Society (“TS Representative-3”) regarding an application to be a member of the “cadre reserve of the Tsargrad Society,” which TS Representative-3 described as “a database of highly professional and promising members of the Society who have the opportunity to be recommended by the Society to the reserves of managerial personnel of state authorities.” TS Representative-1 further stated that members of the cadre reserve had the right to “a personal appeal to the Chairman of the Society K.V. Malofeyev.” IANCHAUSKAS responded, in sum and substance, “Understood, thank you” and “done”. IANCHAUSKAS previously informed TS Representative-3 that he had 139 members and that they would do the “simple” application for membership rather than the application for the “cadre reserve”.

g. In or about April 2022, subsequent to the 2022 FBI Interview, IANCHAUSKAS communicated with TS Representative-3 about having IANCHAUSKAS's name removed from the website.

26. Based on my review of documents obtained in the course of the investigation and on publicly available information on the Internet,² and the 2022 FBI Interview, I have learned the following:

a. Based on my review of the Tsargrad Society website on or about November 2021, TOMAS IANCHAUSKAS, the defendant, was identified on the Tsargrad Society website as the head of the regional branch of the Tsargrad Society in Penza, a city located in western Russia.

b. As of at least February 2023, Tsargrad Society maintained a website on the Russian social media site VK. Within that website was a link to the "DHES | Penza" VK webpage of the Penza branch of the Tsargrad Society ("TS Penza VK Page"). Based on my review of the TS Penza VK Page in or about February 2023, I have learned that the TS Penza VK Page listed IANCHAUSKAS's phone number and email address under the contact information. The listed phone number was the same number associated with the cell phone seized by the FBI from IANCHAUSKAS in 2022. The listed email address was the same address confirmed by IANCHAUSKAS to be his old address during the 2022 FBI Interview. IANCHAUSKAS posted directly on the TS Penza VK Page in or about October 2022. The TS Penza VK Page reposted a post by Konstantin Malofeyev on or about August 21, 2022. As of November 2023, however, all publicly available posts had been removed from the TS Penza VK Page.

c. During the 2022 FBI Interview, IANCHAUSKAS stated in part and substance, that he was the head of the Museum of the Russian Army. Based on my review of the Tsargrad Society website, an article dated in or about December 2018 on the Tsargrad Society website features the museum and quotes IANCHAUSKAS as saying, in sum and substance, that the Museum of the Russian Army and IANCHAUSKAS's other activities regarding Russian military-patriotic activities are done to advance the DHES manifesto.

d. The Tsargrad Society website also contains an article dated in or about April 2019 indicating that IANCHAUSKAS furthers the interests of the Tsargrad Society, then known as DHES, when he travels to the United States. Specifically, the article describes IANCHAUSKAS as having made a "working" visit to the United States which included, among others, a trip to the Museum of the Kuban Cossack, which is located in New Jersey. The Tsargrad Society website article includes photographs from IANCHAUSKAS's visit.

27. On or about December 21, 2023, the Honorable Vera M. Scanlon issued a second search warrant (the "2023 Warrant") for a cellphone used by TOMAS IANCHAUSKAS, the defendant, with the same cell phone number as in the 2022 Warrant (the "2023 IANCHAUSKAS

² The contents of the websites described in this Complaint were primarily in Russian, and I have reviewed and summarized the contents with the assistance of translation software.

Phone"). On or about December 22, 2023, the FBI executed the 2023 Warrant and seized the 2023 IANCHAUSKAS Phone from TOMAS IANCHAUSKAS upon his arrival to JFK.

28. On or about December 22, 2023, I and other FBI agents conducted an interview of TOMAS IANCHAUSKAS, the defendant, at JFK ("2023 FBI Interview"). The interview was primarily conducted in Russian and was interpreted by a Russian linguist who is employed by the FBI. During that interview, IANCHAUSKAS made several statements, including the following, in part and substance:

a. IANCHAUSKAS reiterated that while he was previously a member of DHES, he has never been a member of Tsargrad Society.

b. IANCHAUSKAS did not work for Konstantin Malofeyev, considered Malofeyev a public figure, and only knew about him from reading the news.

29. Based on my preliminary review of the contents of the 2023 IANCHAUSKAS Phone, I have learned, among other things, the following:³

a. Subsequent to the 2022 FBI Interview, TOMAS IANCHAUSKAS, the defendant, continued to provide services to the Tsargad Society. For example, on or about April 18, 2023, IANCHAUSKAS invited a group of individuals to attend an event with Malofeyev over a group chat message. IANCHAUSKAS wrote, "Friends, tomorrow the leader of the double headed eagle Konstantin Malofeyev will come to Penza at 1300 at Spas Cathedral[,] whoever has availability during the day, come to chat . . . at 1300 meeting at cathedral, his lecture is for one hour, then they will tell us what is next"

b. IANCHAUSKAS later added, in response to a question about who Malofeyev is looking to meet at the event, "There will be governor, etc. We are his regional department". Based on my investigation, and review of IANCHAUSKAS's devices and the public sources described above, I understand that "we are his regional department" refers to IANCHAUSKAS's role in the Penza regional branch of the Tsargrad Society controlled by Malofeyev.

c. On or about following day, IANCHAUSKAS sent the group several photographs of Malofeyev speaking at the event. After sending a photograph of Malofeyev, IANCHAUSKAS wrote, in part and substance, "it is thanks to him and his subordinates that Crimea was joined to Russia and Donbass began to be joined."

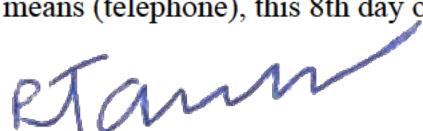
³ The communications on the 2023 IANCHAUSKAS Phone described in this Complaint were primarily in Russian, and I have reviewed translations of these communications prepared by a Russian linguist employed by the FBI.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of TOMAS IANCHAUSKAS, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

s/ *Kenneth Wolf* by the Court with permission

Kenneth Wolf
Special Agent
Federal Bureau of Investigation

Sworn to me through the transmission of
this Complaint by reliable electronic
means (telephone), this 8th day of January 2024



THE HONORABLE ROBYN F. TARNOFSKY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK